

112TH CONGRESS
2^D SESSION

H. R. 4267

To designate certain National Forest System land in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, as wilderness, to facilitate a land exchange involving certain land in such National Forest, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2012

Mr. MATHESON introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To designate certain National Forest System land in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, as wilderness, to facilitate a land exchange involving certain land in such National Forest, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Wasatch Wilderness and Watershed Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title and table of contents.
 Sec. 2. Designation of wilderness, Uinta-Wasatch-Cache National Forests, Utah.
 Sec. 3. Special management area, Uinta-Wasatch-Cache National Forests, Utah.
 Sec. 4. Administrative provisions related to wilderness areas.
 Sec. 5. Existing water facilities.
 Sec. 6. Land exchange, Uinta-Wasatch-Cache National Forests, Utah.

1 **SEC. 2. DESIGNATION OF WILDERNESS, UINTA-WASATCH-**
 2 **CACHE NATIONAL FORESTS, UTAH.**

3 (a) DESIGNATION.—In furtherance of the purposes of
 4 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
 5 Federal lands within the Uinta-Wasatch-Cache National
 6 Forests in Salt Lake County, Utah, are designated as wil-
 7 derness and as either a new component of the National
 8 Wilderness Preservation System or as an addition to an
 9 existing component of the National Wilderness Preserva-
 10 tion System:

11 (1) LONE PEAK WILDERNESS ADDITION.—Cer-
 12 tain lands in the vicinity of the Lone Peak Wilder-
 13 ness comprising approximately 4,627 acres, as gen-
 14 erally depicted on the map titled “Wasatch Moun-
 15 tains Wilderness and Watershed Protection” and
 16 dated January 29, 2010 (in this subsection referred
 17 to as the “map”), which shall be added to and ad-
 18 ministered as part of the Lone Peak Wilderness des-
 19 igned by section 2(I) of Public Law 95–237 (92
 20 Stat. 42).

1 (2) MOUNT OLYMPUS WILDERNESS ADDI-
2 TION.—Certain lands in the vicinity of the Mount
3 Olympus Wilderness comprising approximately 3,155
4 acres, as generally depicted on the map, which shall
5 be added to and administered as part of the Mount
6 Olympus Wilderness designated by section 102(a)(3)
7 of Public Law 98–428 (98 Stat. 1658).

8 (3) WAYNE OWENS GRANDEUR PEAK/MOUNT
9 AIRE WILDERNESS.—Certain lands comprising ap-
10 proximately 7,759 acres, as generally depicted on the
11 map, which shall be known as the “Wayne Owens
12 Grandeur Peak/Mount Aire Wilderness”.

13 (b) MAP AND DESCRIPTION.—

14 (1) FILING AND AVAILABILITY.—As soon as
15 practicable after the date of the enactment of this
16 Act, the Secretary of Agriculture, acting through the
17 Chief of the Forest Service, shall file with the Com-
18 mittee on Natural Resources of the House of Rep-
19 resentatives and the Committee on Energy and Nat-
20 ural Resources of the Senate a map and legal de-
21 scription of each wilderness area designated or ex-
22 panded by subsection (a). The maps and legal de-
23 scriptions shall be on file and available for public in-
24 spection in the office of the Chief of the Forest Serv-
25 ice.

1 (2) FORCE OF LAW.—The maps and legal de-
2 scriptions filed under paragraph (1) shall have the
3 same force and effect as if included in this Act, ex-
4 cept that the Secretary of Agriculture may correct
5 clerical and typographical errors in the maps and
6 legal descriptions.

7 (c) SPECIAL RULE FOR LONE PEAK WILDERNESS
8 ADDITION.—Notwithstanding the wilderness designation
9 made by subsection (a)(1), the White Pine Reservoir, to-
10 gether with the ingress and egress routes thereto in exist-
11 ence as of the date of the enactment of this Act, shall
12 continue to be operated, maintained, and upgraded as nec-
13 essary, subject to reasonable requirements to protect wil-
14 derness values.

15 **SEC. 3. SPECIAL MANAGEMENT AREA, UINTA-WASATCH-**
16 **CACHE NATIONAL FORESTS, UTAH.**

17 (a) DESIGNATION.—Subject to valid existing rights,
18 the following Federal lands in the Uinta-Wasatch-Cache
19 National Forests are established as special management
20 areas:

21 (1) MT. AIRE SPECIAL MANAGEMENT AREA.—
22 Certain lands comprising approximately 1,275 acres,
23 as generally depicted on a map titled “Wasatch
24 Mountains Wilderness Protection and Watershed
25 Protection” and dated January 29, 2010 (in this

1 subsection referred to as the “map”), which shall be
2 known as the “Mt. Aire Special Management Area”.

3 (2) MT. OLYMPUS SPECIAL MANAGEMENT
4 AREA.—Certain lands comprising approximately
5 1,957 acres, as generally depicted on the map, which
6 shall be known as the “Mt. Olympus Special Man-
7 agement Area”.

8 (3) TWIN PEAKS SPECIAL MANAGEMENT
9 AREA.—Certain lands comprising approximately
10 5,835 acres, as generally depicted on the map, which
11 shall be known as the “Twin Peaks Special Manage-
12 ment Area”.

13 (4) LONE PEAK SPECIAL MANAGEMENT
14 AREA.—Certain lands comprising approximately
15 1,413 acres, as generally depicted on the map, which
16 shall be known as the “Lone Peak Special Manage-
17 ment Area”.

18 (b) MAPS AND DESCRIPTIONS.—

19 (1) FILING AND AVAILABILITY.—As soon as
20 practicable after the date of the enactment of this
21 Act, the Secretary of Agriculture, acting through the
22 Chief of the Forest Service, shall file with the Com-
23 mittee on Natural Resources of the House of Rep-
24 resentatives and the Committee on Energy and Nat-
25 ural Resources of the Senate a map and legal de-

1 description of each special management area estab-
2 lished by subsection (a). The maps and legal descrip-
3 tions shall be on file and available for public inspec-
4 tion in the office of the Chief of the Forest Service.

5 (2) FORCE OF LAW.—The maps and legal de-
6 scriptions filed under paragraph (1) shall have the
7 same force and effect as if included in this Act, ex-
8 cept that the Secretary of Agriculture may correct
9 typographical errors in the maps and legal descrip-
10 tions.

11 (c) MANAGEMENT.—

12 (1) IN GENERAL.—The Secretary of Agriculture
13 shall manage the special management area estab-
14 lished by subsection (a) to maintain the presently
15 existing wilderness character of the special manage-
16 ment area and the potential for inclusion of the area
17 in the National Wilderness Preservation System.

18 (2) PROHIBITIONS.—

19 (A) PERMANENT ROADS.—Permanent
20 roads may not be established in the special
21 management areas.

22 (B) TEMPORARY ROADS AND VEHICLES.—
23 Except as necessary to meet the minimum re-
24 quirements for the administration of the special

1 management areas and to protect public health
2 and safety—

3 (i) the use of motorized or mechanized
4 vehicles, except as described in paragraph
5 (3), is prohibited in the special manage-
6 ment area; and

7 (ii) the establishment of temporary
8 roads is prohibited in the special manage-
9 ment areas.

10 (3) ALLOWABLE ACTIVITIES.—The Secretary of
11 Agriculture may authorize commercial helicopter-as-
12 sisted skiing and snowboarding activities (known as
13 “heliskiing”), as authorized on the Federal lands in-
14 cluded within the special management areas as of
15 the date of the enactment of this Act, to continue
16 within the special management area. Except as pro-
17 vided in subsection (d), upon the expiration of an
18 authorization in effect as of the date of enactment
19 of this Act for heliskiing, the Secretary may reissue
20 such authorizations in accord with Forest Service
21 procedures.

22 (4) APPLICABLE LAW.—Any uses of the Fed-
23 eral lands included within the special management
24 area, including activities described in paragraph (3),

1 shall be carried out in accordance with applicable
2 law.

3 (d) EVENTUAL WILDERNESS DESIGNATION.—

4 (1) TIMELINE.—Within one year from the time
5 in which all commercial helicopter-assisted skiing
6 and snowboarding activities within any special man-
7 agement area established by subsection (a) are no
8 longer authorized or have otherwise terminated with-
9 in the special management area, the Secretary of
10 Agriculture shall publish notice to that effect in the
11 Federal Register.

12 (2) DESIGNATION AS WILDERNESS.—The Fed-
13 eral lands included within a special management
14 area for which notice has been published under para-
15 graph (1) shall be designated as wilderness and
16 added to the National Wilderness Preservation Sys-
17 tem, effective on the date of the notice, as follows:

18 (A) The lands included in the Mt. Aire
19 Special Management Area shall be added to and
20 administered as part of the Wayne Owens
21 Grandeur Peak/Mount Aire Wilderness estab-
22 lished by section 2.

23 (B) The lands included in the Mt. Olympus
24 Special Management Area shall be added to and
25 administered as a part of the Mount Olympus

1 Wilderness designated by section 102(a)(3) of
2 Public Law 98–428 (98 Stat. 1658) and ex-
3 panded by section 2.

4 (C) The lands included in the Twin Peaks
5 Special Management Area shall be added to and
6 administered as a part of the Twin Peaks Wil-
7 derness designated by section 102(a)(4) of Pub-
8 lic Law 98–428 (98 Stat. 1658).

9 (D) The lands included in the Lone Peak
10 Special Management Area shall be added to and
11 administered as part of the Lone Peak Wilder-
12 ness designated by section 2(I) of Public Law
13 95–237 (92 Stat. 42) and expanded by section
14 2.

15 **SEC. 4. ADMINISTRATIVE PROVISIONS RELATED TO WIL-**
16 **DERNESS AREAS.**

17 (a) COVERED LAND DEFINED.—In this section, the
18 term “covered land” means—

19 (1) the wilderness areas designated or expanded
20 by sections 2 and 3; and

21 (2) the special management areas designated by
22 section 3.

23 (b) ADMINISTRATION GENERALLY.—Subject to valid
24 rights in existence on the date of the enactment of this
25 Act, land designated as wilderness by section 2 or 3 shall

1 be administered by the Secretary of Agriculture in accord-
2 ance with—

3 (1) the Wilderness Act (16 U.S.C. 1131 et
4 seq.); and

5 (2) this Act.

6 (c) TREATMENT OF EFFECTIVE DATE OF WILDER-
7 NESS ACT.—

8 (1) IN GENERAL.—With respect to land des-
9 ignated as wilderness by section 2, any reference in
10 the Wilderness Act (16 U.S.C. 1131 et seq.) to the
11 effective date of the Wilderness Act shall be deemed
12 to be a reference to the date of the enactment of this
13 Act.

14 (2) SPECIAL MANAGEMENT AREAS.—With re-
15 spect to the lands designated as wilderness by sec-
16 tion 3, any reference in the Wilderness Act to the
17 effective date of the Wilderness Act shall be deemed
18 to be a reference to the date of the applicable Fed-
19 eral Register notice referred to in section 3(d)(1).

20 (d) FISH AND WILDLIFE.—Nothing in this Act shall
21 affect the jurisdiction or responsibility of the State of
22 Utah with respect to wildlife and fish.

23 (e) NO BUFFER ZONES.—

1 (1) IN GENERAL.—Nothing in this Act shall
2 create a protective perimeter or buffer zone around
3 covered land.

4 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
5 fact that a nonwilderness activity or use can be seen
6 or heard from within covered land shall not preclude
7 the conduct of the activity or use outside the bound-
8 ary of the covered land.

9 (f) WITHDRAWAL.—Subject to valid rights in exist-
10 ence on the date of the enactment of this Act, covered
11 land is withdrawn from all forms of—

12 (1) entry, appropriation, or disposal under pub-
13 lic land laws;

14 (2) location, entry, and patent under mining
15 laws; and

16 (3) disposition under all laws pertaining to min-
17 eral and geothermal leasing or mineral materials.

18 (g) ACQUIRED LAND.—Any land or interest in land
19 located inside the boundaries of covered land that is ac-
20 quired by the United States after the date of the enact-
21 ment of this Act shall become part of the relevant wilder-
22 ness or special management area and shall be managed
23 in accordance with this Act and other applicable law.

24 (h) FIRE, INSECTS, AND DISEASE.—In accordance
25 with section 4(d)(1) of the Wilderness Act (16 U.S.C.

1 1133(d)(1)), the Secretary of Agriculture may take such
2 measures in the covered land as the Secretary determines
3 to be necessary for the control of fire, insects, and dis-
4 eases, including, as the Secretary determines to be appro-
5 priate, the coordination of those activities with a State or
6 local agency.

7 **SEC. 5. EXISTING WATER FACILITIES.**

8 Nothing in this Act affects the ability to continue to
9 maintain the Mount Haven, Mill D Summer Home, Bear-
10 trap, and Cardiff water systems that exist as of the date
11 of the enactment of this Act (as shown on the map titled
12 “Wasatch Mountains Wilderness and Watershed Protec-
13 tion” and dated January 10, 2010, outside the boundaries
14 of the wilderness additions and special management areas
15 designated by this Act.

16 **SEC. 6. LAND EXCHANGE, UINTA-WASATCH-CACHE NA-**
17 **TIONAL FORESTS, UTAH.**

18 (a) DEFINITIONS.—In this section:

19 (1) FEDERAL LAND.—The term “Federal land”
20 means the approximately 331 acres of National For-
21 est System land in the Uinta-Wasatch-Cache Na-
22 tional Forest in Salt Lake County, Utah, identified
23 as “NFS Land to be Conveyed” on the map.

24 (2) MAP.—The term “map” means the map en-
25 titled “Wasatch Mountains Wilderness and Water-

1 shed Protection” and dated August 31, 2010, which
2 map shall be on file and available for public inspec-
3 tion in the Office of the Chief of the Forest Service.

4 (3) NON-FEDERAL LAND.—The term “non-Fed-
5 eral land” means the parcels of private land identi-
6 fied as “Land to be acquired by USFS” on the map,
7 including—

8 (A) the approximately 116 acres of private
9 land identified as “White Pine parcel” on the
10 map, which will be incorporated into the Lone
11 Peak Wilderness as provided in subsection
12 (h)(1);

13 (B) the approximately 266 acres of private
14 land identified as “Superior parcels” on the
15 map, which will be administered as a special
16 management area as provided in subsection
17 (h)(2);

18 (C) the approximately 160 acres of private
19 land identified as “High Uintas” parcel on the
20 map, which will be incorporated into the High
21 Uintas Wilderness as provided in subsection
22 (h)(3); and

23 (D) such other lands owned by Snowbird
24 that are acceptable to the Secretary as compo-
25 nents of the land exchange authorized and di-

1 rected by this section, except that such lands
2 may not replace any of the lands identified in
3 a preceding subparagraph.

4 (4) SECRETARY.—The term “Secretary” means
5 the Secretary of Agriculture.

6 (5) SNOWBIRD.—The term “Snowbird” means
7 Snowbird Ltd., a Utah Limited Partnership.

8 (b) LAND EXCHANGE.—

9 (1) AUTHORIZED AND DIRECTED.—If Snowbird
10 offers to the Secretary the land described in para-
11 graph (2), the Secretary shall—

12 (A) accept the land for management as
13 provided in subsection (h); and

14 (B) convey and quitclaim to Snowbird all
15 right, title, and interest of the United States in
16 and to the Federal land.

17 (2) SNOWBIRD OFFERED LANDS.—The private
18 land offered by Snowbird in the land exchange shall
19 include, in priority order, all right, title, and interest
20 of Snowbird in the parcels identified in subpara-
21 graphs (A), (B), and (C) of subsection (a)(3) and
22 such other lands agreed upon as part of the ex-
23 change to be conveyed to the United States under
24 subparagraph (D) of such subsection.

1 (3) EXISTING RIGHTS.—The conveyance of the
2 Federal land under this section shall be subject to
3 valid existing rights.

4 (4) TITLE.—As a condition on the consumma-
5 tion of the land exchange, title to the non-Federal
6 land must be acceptable to the Secretary, which
7 shall be determined in conformity with the title
8 standards of the Attorney General.

9 (5) COMPLIANCE WITH EXISTING LAW.—Except
10 as otherwise provided in this section, the Secretary
11 shall carry out the land exchange under this section
12 in accordance with section 206 of the Federal Land
13 Policy and Management Act of 1976 (43 U.S.C.
14 1716).

15 (c) LAND DESCRIPTIONS.—

16 (1) SURVEY REQUIREMENT.—The exact acreage
17 and legal description of the Federal land and non-
18 Federal land to be exchanged under this section
19 shall be determined by surveys approved by the Sec-
20 retary.

21 (2) RECONFIGURATION OF LANDS.—By mutual
22 agreement, the Secretary and Snowbird may recon-
23 figure the land to be exchanged under this section
24 to facilitate management of the land or eliminate
25 fragmented parcels whose management is uneco-

1 nomical. The use of such reconfiguration authority
2 shall be minimized and involve the smallest quantity
3 of acreage practicable to achieve the objectives of
4 improving management of the exchanged land or
5 eliminating fragmented parcels.

6 (d) VALUATION.—

7 (1) IN GENERAL.—The value of the Federal
8 land and the non-Federal land to be exchanged
9 under this section—

10 (A) shall be equal, as determined by ap-
11 praisals conducted in accordance with sub-
12 section (e); or

13 (B) if not equal, shall be equalized in the
14 manner provided in section 206(b) of the Fed-
15 eral Land Policy and Management Act of 1976
16 (43 U.S.C. 1716(b)), except that the Secretary
17 may accept cash equalization payments in ex-
18 cess of 25 percent to facilitate the land ex-
19 change.

20 (2) DEPOSIT AND USE OF CASH EQUALIZATION
21 PAYMENTS.—Any cash equalization payments re-
22 ceived by the Secretary under paragraph (1) shall be
23 deposited into the account established by Public Law
24 90–171 (commonly known as the Sisk Act; 16
25 U.S.C. 484a). The amounts deposited shall be avail-

1 able, in such amounts as may be provided in ad-
2 vance in appropriation Acts, until expended for the
3 acquisition of lands and interests in lands for the
4 National Forest System.

5 (e) APPRAISALS.—Section 206(d) of the Federal
6 Land Policy and Management Act of 1976 (43 U.S.C.
7 1716(d)) shall apply to the appraisal of the Federal land
8 and non-Federal land, including the conservation ease-
9 ment described in subsection (g), to be exchanged under
10 this section, except that the Secretary and Snowbird shall
11 consult with the proposed recipient of the conservation
12 easement in the selection of the appraiser.

13 (f) ADMINISTRATIVE COSTS.—Snowbird shall cover
14 the costs of survey, appraisal, and any other administra-
15 tive expenses related to the land exchange under this sec-
16 tion.

17 (g) CONSERVATION EASEMENT.—

18 (1) CONTINGENCY.—The obligation of the Sec-
19 retary to consummate the land exchange under this
20 section is contingent upon the execution of a binding
21 agreement to convey a conservation easement, con-
22 sistent with the terms of this subsection, for the ap-
23 proximately 298 acres of private land identified as
24 “Flagstaff parcel” on the map from Snowbird to—

1 (A) Utah Open Lands (a non-profit land
2 trust incorporated in the State of Utah); or

3 (B) another land trust or the Salt Lake
4 City Department of Public Utilities if Utah
5 Open Lands is unwilling to accept conveyance
6 of the conservation easement.

7 (2) REQUIRED TERMS.—Except as determined
8 to be necessary by the holder of the conservation
9 easement described in paragraph (1) to meet the
10 minimum requirements for the administration of the
11 easement area in its undeveloped state or to protect
12 public health and safety, the conservation easement
13 shall contain the following prohibitions:

14 (A) No subdivision.

15 (B) No roads, other than temporary roads
16 constructed and used for cleanup of mining
17 areas.

18 (C) No commercial enterprises.

19 (D) No permanent structures, except
20 structures associated with avalanche control
21 that serve to mitigate avalanche hazards to the
22 Town of Alta, Utah, and Little Cottonwood
23 Canyon Road.

24 (3) OCCUPANCY AND USE OF EASEMENT
25 AREA.—The conservation easement shall grant the

1 easement holder sole authority to regulate the occu-
2 pancy and use of the easement area including—

3 (A) the prohibition or restriction of motor-
4 ized vehicles and equipment; and

5 (B) the conduct of avalanche control activi-
6 ties.

7 (4) RESTORATION AND REMEDIATION.—The
8 conservation easement shall reserve, in the fee owner
9 of the land encumbered by the easement, the right
10 to conduct restoration and remediation of hazardous
11 substances from past mining and related construc-
12 tion activities on the land.

13 (5) EFFECT OF FAILURE TO CONVEY EASE-
14 MENT.—If an entity described in paragraph (1) is
15 unwilling to accept conveyance of the conservation
16 easement subject to the terms provided in this sub-
17 section, the Secretary is relieved of any obligation to
18 consummate the land exchange under this section.

19 (h) MANAGEMENT OF LAND ACQUIRED BY THE SEC-
20 RETARY.—

21 (1) WHITE PINE PARCEL.—On acquisition by
22 the Secretary, the parcel identified as “White Pine
23 parcel” on the map shall be—

24 (A) incorporated into the Lone Peak Wil-
25 derness established by section 2(i) of Public

1 Law 95–237 (92 Stat. 42; 16 U.S.C. 1132
2 note) and expanded by section 2; and

3 (B) administered in accordance with the
4 Wilderness Act (16 U.S.C. 1131 et seq.) and
5 this Act.

6 (2) SUPERIOR PARCEL.—On acquisition by the
7 Secretary, the parcel identified as “Superior parcel”
8 on the map shall be—

9 (A) added to the Uinta-Wasatch-Cache
10 National Forests as a special management area;
11 and

12 (B) administered in accordance with sub-
13 section (c) of section 3, except paragraph (3) of
14 such subsection shall not apply to the parcel
15 and the Secretary may allow avalanche control
16 devices within the parcel for the sole purpose of
17 protecting public health and safety.

18 (3) HIGH UINTAS PARCEL.—On acquisition by
19 the Secretary, the parcel identified as “High Uintas
20 parcel” on the map shall be—

21 (A) incorporated into the High Uintas Wil-
22 derness designated by section 102(a)(5) of Pub-
23 lic Law 98–428 (98 Stat. 1658); and

24 (B) administered in accordance with the
25 Wilderness Act (16 U.S.C. 1131 et seq.).

1 (4) OTHER LANDS.—On acquisition by the Sec-
2 retary of any non-Federal land included in the land
3 exchange pursuant to subsection (a)(3)(D), the ac-
4 quired land shall be added to and administered as
5 part of the Uinta-Wasatch-Cache National Forest,
6 subject to the laws and regulations applicable to the
7 National Forest System.

8 (i) WITHDRAWAL.—Subject to valid existing rights,
9 the land acquired by the Secretary in the land exchange
10 under this section is withdrawn from—

11 (1) all forms of entry, appropriation, or disposal
12 under the public land laws;

13 (2) location, entry, and patent under the mining
14 laws; and

15 (3) disposition under all laws relating to min-
16 eral and energy leasing.

17 (j) ENVIRONMENTAL LIABILITIES.—

18 (1) EFFECT OF EXISTENCE OF CONTAMINA-
19 TION.—If any of the non-Federal land is determined
20 to be contaminated, including contamination result-
21 ing from solid wastes, hazardous wastes or sub-
22 stances, pollutants or contaminants, or other regu-
23 lated substances, or that the non-Federal land is in
24 a condition that would constitute a violation of any
25 applicable Federal, State, or local laws or regula-

1 tions related to health, safety, or the environment,
2 and that such contamination or violation existed be-
3 fore the date of the enactment of this Act—

4 (A) the Secretary may require that such
5 land, or the contaminated portion of the land,
6 be removed from the exchange before con-
7 summation of the land exchange; or

8 (B) the Secretary may retain such land in
9 the land exchange, subject to the condition that
10 Snowbird agree to indemnify the United States
11 or Salt Lake City, as appropriate, and pay all
12 costs to restore or remediate any damages
13 caused by the past release, spill, or disposal of
14 hazardous substances, pollutants, or contami-
15 nants necessary to bring the land into compli-
16 ance with all applicable health, safety, and envi-
17 ronmental laws, and furthermore, for any dis-
18 charges or draining from any man-made fea-
19 tures on the non-Federal lands which the Sec-
20 retary retains, Snowbird will obtain, and main-
21 tain, in perpetuity, any Federal or State per-
22 mits that may be or become necessary to com-
23 ply with applicable health, safety, or environ-
24 mental laws.

1 (2) CONSERVATION EASEMENT.—Acceptance by
2 Utah Open Lands, or another land trust or the Salt
3 Lake City Department of Public Utilities, of the
4 conservation easement described in subsection (g)
5 shall not make the holder of the conservation ease-
6 ment either an owner or operator with respect to the
7 land encumbered by the easement under the Com-
8 prehensive Environmental Response, Compensation,
9 and Liability Act of 1980 (42 U.S.C. 9601 et seq.),
10 nor shall the conveyance of the easement absolve the
11 fee owner of the land of any liability under such Act,
12 the Federal Water Pollution Control Act (33 U.S.C.
13 1251 et seq.), or any other Federal, State, or local
14 environmental law or regulation.

15 (3) HOLD HARMLESS.—Snowbird shall hold the
16 United States harmless for any liability for the con-
17 dition of the Federal land received by Snowbird in
18 the land exchange under this section, whether the
19 condition on the Federal land was caused by the
20 negligence of the United States, or the result of any
21 approval by the United States of an authorized ac-
22 tivity on the Federal land.

23 (4) EXCEPTION OF FEDERAL LAND FROM CER-
24 TAIN COVENANTS.—Clauses (ii) and (iii) of section
25 120(h)(3)(A) of the Comprehensive Environmental

1 Response, Compensation, and Liability Act of 1980
2 (42 U.S.C. 6920(h)(3)(A)) shall not apply to the
3 conveyance of the Federal land under this section.

○